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8 *f/k/a The Bank of New York as Trustee for*
9 *the Benefit of the Certificate Holders of the*
10 *CWALT, Inc., Alternative Loan Trust 2004-*
11 *8CB Mortgage Pass Through Certificates,*
12 *Series 2004-8CB*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

13 THE BANK OF NEW YORK MELLON FKA
14 THE BANK OF NEW YORK AS TRUSTEE
15 FOR THE BENEFIT OF THE CERTIFICATE
16 HOLDERS OF THE CWALT, INC.,
17 ALTERNATIVE LOAN TRUST 2004-8CB
18 MORTGAGE PASS THROUGH
19 CERTIFICATES, SERIES 2004-8CB;

20 Plaintiff,
21 vs.

22 TIERRA DE LAS PALMAS OWNERS
23 ASSOCIATION; SFR INVESTMENTS POOL I,
24 LLC; and ABSOLUTE COLLECTION
25 SERVICES, LLC,

26 Defendants.

Case No.: 2:17-cv-02112-JAD-CWH

STIPULATION AND ORDER TO EXTEND DISCOVERY DEADLINES

[SECOND REQUEST]

27 The Bank of New York Mellon f/k/a The Bank of New York as Trustee for the Benefit of the
28 Certificate Holders of the CWALT, Inc., Alternative Loan Trust 2004-8CB Mortgage Pass Through
Certificates, Series 2004-8CB (**BoNYM**), Absolute Collections Services, LLC (**Absolute**), and SFR
Investments Pool 1, LLC¹ (**SFR**) by and through their respective counsel of record, and hereby
jointly submit this Stipulation and Order to Extend Discovery Deadlines (Second Request) pursuant
to LR IA 6-1 and LR 26-4. This is the second stipulation to extend the discovery deadlines set by

¹ Tierra De Las Palmas Owners Association has not appeared in the case.

1 the first request to extend discovery deadlines (ECF No. 17) entered by the Court on September 29,
2 2017.

3 **A. STATEMENT SPECIFYING THE DISCOVERY COMPLETED**

4 **1. Rule 26 Disclosures**

5 Plaintiff BoNYM served its Initial Disclosures on September 28, 2017.

6 Plaintiff BoNYM served its First Supplement to Initial Disclosures on December 1, 2017.

7 Plaintiff BoNYM served its Initial Expert Disclosures on December 29, 2017.

8 Defendant Absolute served its Initial Disclosures on January 23, 2018.

9 Plaintiff BoNYM served its Second Supplement to Initial Disclosures on February 7, 2018.

10 Plaintiff BoNYM served its Third Supplement to Initial Disclosures on March 12, 2018.

11 **2. Written Discovery**

12 Plaintiff BoNYM served its first set of interrogatories, requests for admissions and requests
13 for production of documents to Absolute on November 6, 2017.

14 Plaintiff BoNYM served its first set of interrogatories, requests for admissions and requests
15 for production of documents to SFR on November 6, 2017.

16 Defendant SFR served its responses to requests for production of documents, response to
17 requests for admission and answers to interrogatories on December 11, 2017.

18 Defendant Absolute served its responses to requests for admission on December 11, 2017,
19 responses to requests for production of documents on January 23, 2018, and answers to
20 interrogatories on January 24, 2018.

21 Defendant SFR served its first set of requests for admission, requests for production, and
22 interrogatories to BoNYM on January 24, 2018.

23 Plaintiff BoNYM served a Subpoena Duces Tecum upon the HOA, with the response due by
24 February, 12, 2018.

25 Plaintiff BoNYM served its responses to SFR's first set of requests for admission, requests
26 for production, and interrogatories to SFR on March 12, 2018.

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3. Depositions

BoNYM deposited Absolute Collections on January 26, 2018.

BoNYM subpoenaed the HOA for deposition to take place on March 29, 2018, but this deposition needs to be rescheduled due to illness of the witness.

B. STATEMENT OF DISCOVERY REMAINING TO BE COMPLETED

SFR's deposition of BoNYM and BoNYM's deposition of the HOA. The parties reserve the right to conduct any additional discovery.

C. REASONS WHY AN EXTENSION IS REQUIRED

BoNYM's deposition was stayed pending this court's decision on BANA's motion for protective order in *Bank of Am., N.A. v. Falcon Pointe Ass'n et al*, D. Nev. Case. No. 2:16-cv-00814-GMN-CWH. See ECF No. 34. A decision on the *Falcon Pointe* motion was issued on April 5, 2018. See ECF No. 107 in the *Falcon Pointe* case. The parties request an extension of discovery to accommodate the scheduling of SFR's deposition of BoNYM. Given counsel and witness availability, the parties anticipate scheduling BoNYM's deposition in late April or early May 2018.

D. PROPOSED SCHEDULE FOR ALL REMAINING DISCOVERY

	<u>Current Deadline</u>	<u>Proposed Deadline</u>
Discovery Cut-Off:	March 26, 2018	June 4, 2018
Dispositive Motions Deadline:	April 25, 2018	July 5, 2018
Pretrial Order Deadline:	May 25, 2018	August 6, 2018

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E. CURRENT TRIAL DATE

The court **has not** yet set a trial date.

Based on the foregoing, the parties respectfully request the court extend the remaining discovery deadlines as requested above.

The parties make this request in good faith and believe good cause exists for extending these deadlines.

Dated: April 10, 2018

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ORDER

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

April 11, 2018
DATED: _____